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8. *Repeals.*—The provisions of the Indian Copyright Act 1914 (III of 1914) and the Press and Registration of Books Act, 1867 (XXV of 1867) in so far as they relate to the transmission of copies of Books, etc., to the British Museum or the Secretary of State are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The most important National Libraries of the world, such as the British Museum, the Congressional Library in the United States, or the Bibliotheque Nationale of France, are built up and kept up-to-date by requiring copies of all books, etc., printed and published within the jurisdiction of the countries concerned, to be supplied free of cost to such central institutions, under the authority of some National legislation.

In the United States as well as in Britain the Copyright legislation utilised to achieve this object.

During the British regime, the Government of India issued to require under the terms of the Press and Registration of Books Act, 1867 (XXV of 1867) a certain number of copies of every book, periodical, or publication, printed and published in British India, to be supplied, free of cost, for use in the British Museum. The copies supplied for this purpose were to be of the best bound and get-up. If of a book or publication, two editions were printed, one in small number of superior paper and richer binding, for presentation, and the other more numerous on ordinary paper and with ordinary binding and get up for sale in the market, only copies from the superior edition were to be supplied under that legislation. Pains and penalties were attached in regard to failure to comply with this legislation. There is no reason why that legislation should operate now, if it is still in force.

This Bill accordingly proposes to secure, for the use of the Library of Parliament, one copy at least of every book, or publication printed in India in any Indian or foreign language. The Library of Parliament, should contain all available material for every problem that may engage the attention of Parliament. It should in fact, be co-extensive with the problems of the entire public and private life in the country in all its aspect, and phases.

K. T. SHAH.

BILL NO. 11 OF 1951

A Bill further to amend the Sea Customs Act, 1878.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Sea Customs (Amendment) Act, 19 .

2. *Amendment of section* 87, *Act VIII of* 1878.—In section 87 of the Sea Customs Act, 1878 (VIII of 1878), (hereinafter referred to as the said Act) ; after the word " assessed " the words " within fifteen days of such delivery " shall be inserted.

3. *Amendment of section* 88, *Act VIII of* 1878.—After the Second Proviso to section 88 of the said Act, the following new proviso shall be added, namely :—

"Provided further that if the owner does not clear the goods on the grounds that he disputes the correctness of the order of classification of the goods or the amount of duty levied thereon and he intimates, in writing, his intention to appeal against such order the sale of such goods shall not be proceeded with until the period of appeal has expired or in case an appeal has been filed in time, a final decision has been made thereon."

4. *Amendment of section* 89, *Act VIII of* 1878.—In section 89 of the said Act, for the word "may" the word "shall" shall be substituted.

5. *Amendment of section* 174, *Act VIII of* 1878.—In section 174 of the said Act the words "or Customs-Collector" shall be omitted.

6. *Substitution of new section for section* 182, *Act VIII of* 1878.—For section 182 of the said Act, the following section shall be substituted, namely :

"182. *Adjudication of confiscations and penalties.*—(1) The Central Government shall constitute at each major customs port a special tribunal consisting of a President who shall be a person qualified for appointment as a Judge of a High Court and two other members one of whom shall be a representative of a recognised commercial body in that port and the other shall be an officer nominated by the Government of India. Such Officer shall act as the Secretary to the tribunal.

(2) In every case, except the cases mentioned in sections 167, Nos. 26, 72 and 74 to 76, both inclusive, in which, under this Act, anything is liable to confiscation or to increased rates of duty,

or any person is liable to a penalty, such confiscation, increased rate of duty or penalty may be adjudged—

(*a*) without limit, by special tribunal constituted under sub-section (1) of this section :

(*b*) up to confiscation of goods not exceeding one thousand rupees in value, and imposition of penalty or increased duty not exceeding five hundered rupees by a Deputy Commissioner or Deputy Collector of Customs, or a Customs-Collector :

(*c*) up to confiscation of goods not exceeding two hundred and fifty rupees in value, and imposition of penalty or increased duty not exceeding one hundred rupees by an Assistant Commissioner or Assistant Collector of Customs :

Provided that every officer authorised in this section to order confiscation or levy of penalty or increased rate of duty shall pass his orders within fifteen days of the presentation of the Bill of Entry or from date of receipt of reference from the lower authority as the case may be."

7. *Amendment of section* 188, *Act VIII of* 1878.—In section 188 of the said Act,—(i) the existing provision shall be re-numbered as sub-section (1) and (ii) the following new sub-sections shall be added as sub-sections (2), (3), (4) and (5) namely :—

"(2) No decision on an appeal shall be arrived at except after hearing the appellant or a legal practitioner of his choice.

(3) A copy of the order passed by the appellate authority shall be served on the appellant, within twenty days from the date of such order,

(4) Within sixty days of the date upon which he is served with a copy of an order passed by an appellate authority, the appellant may by application accompanied by a fee of one hundred rupees require the appellate authority to refer to the High Court any question of law arising out of such order and the appellate authority shall within ninety days on receipt of such application draw statement and refer it to the High Court having jurisdiction over the port in respect of which the appeal arises.

(5) If on any application made under sub-section (4) of this section the appellate authority refuses to state the cases on the ground that no question of law arises the appellant may within six months from the date on which he is served with the notice of refusal apply to the High Court having jurisdiction over the port in respect of which appeal arises and the High Court, if it is not satisfied of the correctness of the decision of the appellate authority may direct that appellate authority to state the case and to refer it to the High Court and on receipt of such direction the appellate authority shall state the case and refer it to the High Court accordingly."

8. *Substitution of new section for section* 193, *Act VIII of* 1878.—For section 193 of the said Act, the following shall be substituted namely :—

"193. *Enforcement of payment of Penalty.*—When a penalty or increased rate of duty is finally adjudged against any person under this Act by any officer of Customs such officer, if such penalty or increased rate be not paid, may levy the same by sale of any goods of the said person which may be in his charge, or in the charge of any other officer of Customs.

When such an officer of Customs is unable to realise the unpaid amount thereof from such goods, such officer may notify in writing to any Magistrate within the local limits of whose jurisdiction such person or any goods belonging to him may be, the name and residence of the same person, and the amount of penalty or increased rate of duty unrecovered; and such Magistrate shall thereupon proceed to enforce payment of the said amount in like manner as if such penalty or increased rate had been a fine inflicted by himself."

9. *Amendment of Section* 199, *Act VIII of* 1878.—In section 199 of the said Act,—(i) the existing provision shall be renumbered as sub-section (1) and (ii) the following new sub-section (2) shall be added namely :—

"(2) Where such wharf or authorised landing or storing place belongs to the Port Trust or a body other than the Customs, the Collector or Customs shall have power to fix generally or by special order in any particular case the commencing and ending dates for levy of wharfage or demurrage and when clearance of a consignment is delayed pending the passing of an order by Collector, Tribunal or disposal of appeal by an appellate authority, no extra wharfage or demurrage beyond the free period of storage covered by the first wharfage shall be chargeable on such goods and the Collector of Customs shall issue a certificate to this effect when applied for before or after removal of goods."

10. *Amendment of section* 207, *Act VIII of* 1878.—To section 207 the following proviso shall be added namely :—

"Provided that the powers of ordering charge or remissions of wharfage and demurrage vested in the Collector of Customs under section 199 of this Act, shall be binding on the port authorities."

STATEMENT OF OBJECTS AND REASONS

The present law of Sea Customs contained in the Sea Customs Act (VIII of 1878) was enacted 72 years ago and although it has been amended in some matters as appeared expedient to Government under the British rule, it appears that the law is not suitable to the conditions existing to-day. Owing to the great rise in the rates of customs duty in all the articles of imports and exports and the penalties which the Customs officers are now authorised to inflict under the Act, it is absolutely necessary that the powers vesting in the Customs Authorities should be restricted and proper provision should be made for appeals. Necessary provisions have accordingly been made in this Bill. The suggested amendments to the Sea Customs Act, 1878 are therefore considered urgently necessary.

R. K. SIDHVA.

BILL NO. 25 OF 1951.

A Bill to provide for certain matters relating to dowry.

BE it enacted by Parliament as follows :—

1. *Short title, extent, commencement and application.*—(1) This Act may be called the Dowry Act, 19 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply in the first instance to Hindus, Budhists, Sikhs and Jains, but the Central Government may, by notification, direct that it shall apply to members of any other community also.

2. *Definitions.*—In this Act, unless the context otherwise requires :—

(*a*) "dowry" means any property transferred or agreed to be transferred as a part of the contract of any betrothal or marriage by one party to the betrothal or marriage or the father, mother or guard of that party to the other party to the marriage or to the father, mother or guardian of the other party, but does not include voluntary marriage gifts such as ornaments to a bride and dresses to a bridegroom the value of which do not exceed one thousand rupees.

(*b*) "marriage means a marriage between any two persons to whom this Act applies.

3. *Dowry to be held in trust for wife.*—(1) Where a dowry is given after the commencement of this Act, such dowry shall deemed to be the property of the woman in connection with whose marriage it was so given.

(2) Where a dowry is received by any person other than the woman in connection with whose marriage it was given and is not transferred by that person to the woman that person shall be deemed to hold it in trust for the benefit and separate use of that woman, and, if that woman dies before obtaining the transfer, for the benefit and separate use of her heirs as if it is *stridhana* property.